

**IN THE UNITED STATES DISTRICT COURT FOR THE**  
**NORTHERN DISTRICT OF OHIO**

I, Joshua Gardner, hereinafter “Affiant,” being first duly sworn, hereby depose and state as follows:

**FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE**

1. I am a United States Postal Inspector and have been so employed since May 2019, presently assigned to the Cleveland, Ohio Field Office, of the Pittsburgh Division to investigate prohibited mailing offenses. Pursuant to Title 18, United States Code, Section 3061, my duties include the investigation of crimes that have a nexus to the U.S. Postal Service (USPS). I have received specialized training in the investigation of postal related crimes at the U.S. Postal Inspection Service Federal Law Enforcement Training Academy in Potomac, MD. Prior to becoming a United States Postal Inspector, I was employed by CoreCivic as a Detention Enforcement Officer for the United States Marshals Service in Cleveland, OH for approximately 2 ½ years.

2. Your Affiant submits this affidavit in support of a criminal complaint charging Hugh Simmonds with, on or about January 9, 2020, in the Northern District of Ohio, Eastern Division, knowingly possessing with intent to distribute fentanyl, a Schedule II controlled

substance, in violation of Title 21 U.S.C. §§ 841(a)(1), (b)(1)(B).

3. On January 8, 2020, while conducting USPS parcel profiling, your Affiant identified U. S. Postal Service Priority Mail Express parcel bearing tracking no. EJ 116 734 894 US addressed to Brenda Wise, 16309 Bryce Ave, Cleveland, OH 44128 and bearing a return address of Jesse Sanz, 2238 W Saint Anne Ave, Phoenix, AZ 85041, as a suspected drug parcel based on several factors including but not limited to origin, method of mailing, and size.

4. The subject parcel is further described as white USPS Priority Mail Express Flat Rate box, weighing approximately 1 pounds 9.4 ounces. The subject Priority Mail Express parcel was mailed on January 7, 2020, from the Phoenix, AZ 85034 post office.

5. The subject Express Mail parcel did not require a signature for delivery. Signature waivers are commonly used on drug parcels so the intended recipients do not have to have contact with the delivery employee and/or law enforcement should the parcel be seized.

6. Your Affiant made inquiries with Clear, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information, and was unable to associate the names Brenda Wise with 16309 Bryce Ave, Cleveland, OH 44128 or Jesse Sanz with 2238 W Saint Anne Ave, Phoenix, AZ 85041 in Clear.

7. Your Affiant knows based on his training and experience, that individuals using the U. S. Mails for the purpose of transporting controlled substances will often place fictitious address and/or name information, different variations of their names, names of deceased individuals, or no names at all on these parcels to conceal their true identities from law enforcement should the parcel

be seized.

8. On January 8, 2020, the subject parcel was placed into a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine “Ciga”, handled by Detective Mike Twombly of the Cuyahoga County Sheriff’s Department was allowed to examine the lineup, at the Postal Inspection Service Cleveland Field Office. According to Detective Twombly, Ciga gave a positive alert on the subject parcel and none of the blank parcels. According to Detective Twombly, this positive alert meant Ciga detected the odor of an illegal drug emanating from the subject parcel.

9. Detective Twombly has been State Certified as a Narcotics Canine handler and he and narcotics canine Ciga have worked together since 2013. Detective Twombly and canine Ciga were both certified in November 2019 by the Ohio Peace Officers Training Academy (OPOTA) and the North American Police Work Dog Association (NAPWDA) in December 2019. Detective Twombly and canine Ciga have both completed 80 hours of a state-certified training program at Shallow Creek Kennels in Sharpsville, Pennsylvania under Certified Trainer John Brannon of the NAAPWDA, a nationally organized police work dog association that provides training for dogs and handlers. During this time, Ciga was trained and certified to alert to the presence of the odors from marijuana, cocaine, heroin, MDEA (methylenedioxyethylamphetamine), methamphetamine (“crystal meth”), and/or their derivatives. Detective Twombly has been trained how to handle a detector K-9 and read his alerts. According to Detective Twombly, Ciga is a reliable K-9 assist unit.

10. On January 8, 2020, your affiant obtained and executed a federal search warrant

(1:20MJ3011) resulting in the recovery of approximately 6 ounces of 30mg Oxycodone pills. The pills were collectively packaged in a vacuum sealed bag, concealed within a plastic food container, which was found inside the mail parcel. Through laboratory testing at the Cuyahoga County Regional Forensic Science Laboratory, the pills were found to contain fentanyl.

11. On January 9, 2020, Postal Inspectors and Homeland Security Agents conducted a controlled delivery of the subject parcel to 16309 Bryce Ave, Cleveland, OH 44128. A Postal Inspector dressed as, and acting in the capacity as, a USPS delivery employee, delivered USPS Express Mail parcel EJ116734894US to the stated delivery address. The subject parcel was addressed to Brenda Wise, 16309 Bryce Ave, Cleveland, OH 44128. At approximately 11:24 a.m., the Inspector arrived at the delivery address and parked the white USPS delivery minivan on Bryce Ave on the north side of the street facing west. With subject parcel in hand, the Inspector approached the delivery residence which was clearly marked as “16309” on the front of the house. At approximately 11:25 a.m., the Inspector knocked on the front storm door. After several seconds, the storm door and front door were opened by an African-American female, later identified as Tanisha Walker, who accepted the parcel and took it into the house.

12. Postal Inspectors and Homeland Security Agents subsequently approached 16309 Bryce Ave, Cleveland, OH 44128 and identified the subject parcel on the side of the house.

13. Your affiant interviewed Tanisha Walker. Prior to any questioning, your Affiant read Tanisha Walker her rights per Miranda. Tanisha Walker verbally indicated that she understood her rights under Miranda and advised your affiant she was willing to answer questions without the presence of an attorney. Tanisha Walker initially stated the subject parcel was misdelivered and

she placed it on the side of the house to be returned to the Post Office. Tanisha Walker subsequently advised her uncle, Hugo Fross, asked her to utilize her address for the delivery of a parcel. Walker provided a physical description of her uncle as a thin Jamaican male. During the interview, Tanisha Walker participated in a recorded telephone call to Hugo Fross. Your affiant heard Hugo Fross state he was coming to the delivery address to pick up the parcel. Approximately fifteen minutes after the call, the individual known as Hugo Frost, entered the residence at 16309 Bryce Ave, Cleveland, OH 44128, and was detained.

14. Prior to questioning, your affiant read the individual known as Hugo Fross his rights per Miranda. Hugo Fross verbally indicated that he understood his rights under Miranda and advised he was willing to answer questions without the presence of an attorney. The individual known as Hugo Fross stated his name was Kevin Watson. A search of his person identified a U.S. Virgin Island Driver's License, which showed his name as being Kevin Thomas.

15. Your affiant asked the individual who identified himself as Kevin Watson if he was willing to cooperate with investigators and had any information regarding the parcel. The individual identified as Kevin Watson stated he did not know anything about the box, and investigators should do what they need to do.

16. Following the interview, the individual who identified himself as Kevin Watson, was transported by Homeland Security Agents to their office, where he was positively identified as Hugh Simmonds after fingerprint examination. Homeland Security had Simmonds' fingerprints in its database because Simmonds has been previously removed from the United States following a drug trafficking conviction. According to Homeland Security agents, Hugh Simmonds is a Jamaican citizen who is forbidden entry into the United States based on previous drug trafficking

convictions. Simmonds matches the physical description provided by Walker.

17. Based on the above, your Affiant asserts that there is probable cause to believe that Hugh Simmonds did on or about January 9, 2020, in the Northern District of Ohio, Eastern Division, knowingly possess with intent to distribute fentanyl, a Schedule II controlled substance, in violation of Title 21 U.S.C. §§ 841(a)(1), (b)(1)(B).



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Joshua Gardner, Postal Inspector

Sworn to via telephone after  
submission by reliable electronic  
means. Crim.Rules. 4.1; 41(d)(3)



Thomas M. Parker  
United States Magistrate Judge  
3:58 PM, Jan 9, 2020